

United States District Court
Eastern District of California

Patrick R. Holley, Sr.,

Plaintiff, No. Civ. S 04-2006 MCE PAN P

vs. Order

California Department
of Corrections, et al.,

Defendants.

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September 27, 2004, plaintiff filed a civil rights complaint and sought leave to proceed in forma pauperis. March 9, 2005, the court granted plaintiff leave so to proceed but imposed a \$250 filing fee when plaintiff was subject to a \$150 filing fee.

See 28 U.S.C. § 1914(a) (2000).

Accordingly, the March 9, 2005, order is vacated insofar as it directed plaintiff to pay a \$250 filing fee.

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1 Plaintiff shall pay a \$150 filing fee.
2 So ordered.
3 Dated: May 12, 2005.
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/s/ Peter A. Nowinski
PETER A. NOWINSKI
Magistrate Judge